

quantities of uranium from Africa' was well-founded.

The report also rebuts many of the widely circulated claims made by Ambassador Joe Wilson about his role in the mission to Niger; the report he made to Washington upon his return; and later his claims that the administration manipulated intelligence. This report reveals that Ambassador Wilson's repeated attacks on the President's credibility were misleading, at best, and without merit.

Furthermore, both reports find that no political pressure was applied to influence intelligence estimates. President Bush and Prime Minister Blair were, in fact, scrupulous in their presentation of the evidence as it was known.

Saddam Hussein intended to resume his illegal weapons programs, and was taking steps to do so. The Butler report corroborates that, prior to the war, Iraq was "carrying out illicit research and development, and procurement activities to seek to sustain its indigenous capabilities."

In other words, Saddam was a threat to our peace, security, and interests. He never abandoned his ultimate goal to acquire WMD. Saddam may have been biding his time, but as the President told the nation, in this case, time was a ticking bomb.

I applaud the efforts of both our Intelligence Committee and our British allies. Their examinations of the intelligence problems and misjudgments prior to the war are crucial to making the reforms necessary to winning the war on terrorism. This war, more than any other, depends on information.

I look forward to the discussion of how we can strengthen our intelligence gathering and analysis. Brave men and women are out in the field, right now, risking their lives to defend America's freedom. They need an intelligence system that backs them up. America needs an intelligence system that works, and works well.

#### ASBESTOS UPDATE

Mr. FRIST. Mr. President, I would like to report briefly on where things stand on the asbestos negotiations Senator DASCHLE and I have been conducting for the last couple of months.

There is wide agreement that the current asbestos litigation system is disastrous for victims, for jobs, and for the economy.

More than 700,000 individuals have filed claims; approximately 300,000 claims are still pending; more than \$70 billion has already been spent trying to resolve these claims; and more than 70 companies have filed for bankruptcy as a result.

And yet we have very little to show for it. We have a system where the sickest victims of asbestos exposure have to wait in line with thousands of unimpaired claimants.

There are many things that we in Congress cannot agree upon. But every-

one can agree that this system is a mess and must be fixed.

Senators HATCH and LEAHY ironed out a unique solution to the problem. They created a no-fault trust fund for claimants funded by business and insurance that would pay truly sick claimants fair claims values in a prompt manner.

S. 1125 embodied this idea and was reported out of the Judiciary Committee in July of 2003. That bill provided \$108 billion in mandatory funding for claimants.

On April 7, 2004, Senator HATCH and I, along with Senators MILLER, DEWINE, VOINOVICH, CHAMBLISS, HAGEL, and DOMENICI, introduced a substitute bill, S. 2290. S. 2290 increased the funding for claimants to \$114 billion.

Unfortunately, on April 22, that bill only received 50 votes on the floor of the Senate. Why? The opponents' primary complaint was that the funding was insufficient.

I did not want to give up on finding a solution to this crisis. Fortunately, neither did the Democrat leader. So we met and decided to ask Judge Becker, a respected Third Circuit Court of Appeals judge who had been working on asbestos issues with Senator SPECTER, to try to mediate the parties' differences. He did so over a 2-week period in May and was able to get Organized Labor to move from \$153 billion to \$149 billion.

The business and insurance side of the equation moved from the \$114 billion into the mid-\$120 billion range. But no deal was reached.

In June, the minority leader and I met again and agreed to try to negotiate this matter between us, along with the help of the interested parties.

Soon after those negotiations began, the business side made yet another move, this time offering to fund a \$131 billion trust fund. They were told that was still insufficient.

So, at my request, Senator DASCHLE put together a proposal. He proposed a \$141 billion trust fund. He also indicated how his side believed the start up of the fund and pending claims should be handled, among other issues.

In response, I encouraged the business and insurance communities to make their best and final proposal on the size of the fund. I told them that the end-game was near and that it was time for them to do the best they could in terms of a proposal.

As a result, they made a huge move and agreed to fund a \$140 billion trust fund, with roughly \$40 billion funded in the first 5 years.

Now here is the rub. Time is running out. It is now the end of July, and we are set to begin a long recess. We only have 21 days left in this session of Congress to get a bill completed.

So I sat down with Senator DASCHLE earlier this week to try to push negotiations forward. To get a bill, we must begin to tackle the tough issues.

Those tough issues concern funding and pending claims. Because we have

reached the bottom line for business and insurance when it comes to funding, it is time to intensify negotiations on the so-called "start-up" and "pendings" issues.

Business and insurance will not agree to a \$140 billion trust fund and, simultaneously, continue to pay massive sums for ongoing litigation. Either a trust fund is the solution to our problems or it is not.

I have asked Senator DASCHLE to let me know whether he believes his side can move in our direction and not permit leakage in the tort system. If so, substantial progress can be made.

Today, I received a letter from Senator DASCHLE and 12 other Democrats expressing their commitment to "work over the August recess to narrow our differences and secure a compromise that provides necessary relief to victims and businesses."

I deeply appreciate their steadfast commitment to this issue and look forward to hearing from them about how we can solve the asbestos litigation crisis.

#### AMERICA IS MOVING FORWARD

Mr. FRIST. Mr. President, over the past few months, my colleagues on the other side of the aisle have come to the Senate floor in a vain effort to convince America that we are worse off than we were 4 years ago.

They offer a pessimistic litany of distorted statistics to discredit the measurable progress America has made in the last 4 years. Just last Friday, the minority leader came to the Senate floor to cast a negative light on America's astonishing rebound from the triple shock of terrorist attacks, corporate scandals, and a recession inherited from the Clinton administration.

It is critical that the American people know the truth.

Far from the other side's woeful depiction, America is moving forward and gaining strength. We have been tested, and we have proven ourselves to be a tough, resilient and resourceful nation.

America remains the economic engine of the world. While our European friends struggle with double digit unemployment, America's unemployment rate is at historic lows and dropping.

Are we better off? Four years ago, President Bush inherited an economy that measured \$9.8 trillion. Today, the economy has grown almost \$1 trillion more.

Are we better off? Four years ago, President Bush inherited an economy that was the equivalent to roughly \$25,000 for every person. Today, that number has grown to nearly \$30,000.

Are we better off? Four years ago, President Bush inherited an economy that employed 136.9 million people. Today, the number of people working has grown by nearly 2 million and is on track to create 1.2 million jobs this year.

Contrary to claims made by critics, the quality of jobs being created is excellent. Three quarters of the new jobs

created in May were in industries that, on average, pay a higher hourly rate than the overall average.

Are we better off? Manufacturing jobs have grown this year for the first time since the mid-90's; 64,000 jobs have been added in the manufacturing sector since January, alone, and there are more jobs to come.

More manufacturers have been reporting increased activity and new orders than at any time in the last 20 years. The ISM Manufacturing employment index in April hit its highest level in 15 years.

Are we better off? Four years ago, President Bush inherited an economy that was constructing only 1.5 million new houses per year. Today, homeownership is at an all time high, including minority homeownership. Americans are investing in themselves and their futures.

Are we better off? Productivity is its highest in 50 years. Unemployment is lower now than it was in the 70s, 80s and 90s—lower, in fact, than during the Clinton years.

Are we better off? The answer is, clearly, a resounding yes.

Because of President Bush's tax cuts of 2001 and 2003, Americans now have more money to invest, save, or spend as they choose. Business owners have more opportunities to realize their entrepreneurial potential.

America is moving forward because President Bush and the Republican-led Congress believe in the ingenuity, creativity, and common sense of the American people.

When it comes to fighting crime, American law enforcement has the bad guys on the run. The statistics are remarkable.

Fire-arm related violent crime is down. Burglary, robbery and theft are all down.

Simple and aggravated assault is down. Violent crimes, including rape, sexual assaults and robberies, are now at their lowest levels since the government began collecting crime data in 1973. Violent crime is falling in all regions of the country, whether measured by race, ethnicity, age or income.

Property crimes continued a more than 20-year decline.

Gun-related crimes have continued to fall.

The fall in the crime rates has coincided with more aggressive prosecutions of criminals. Average sentences for violent criminals are increasing, and violent felons comprise a growing share of the prison population.

Real, positive change is taking place in America's neighborhoods. American's are safer and more secure at home.

When it comes to improving major social programs, a Republican-led Congress has delivered on major new reforms.

Seniors now have, for the first time, prescription drug coverage under Medicare.

The other side of the aisle had eight years to enact Medicare reform. They

didn't. Instead, they played politics with seniors' health. And now that we have made historic improvements, opponents to reform are trying to scare seniors from enjoying their new benefits.

The truth is, under Republican leadership, America's seniors are getting vastly improved Medicare services.

Under the bipartisan Medicare Modernization Act signed by President Bush in December, for the first time, all seniors will have access to \$400 billion in expanded drug benefits. Low-income seniors and those with high drug costs will get the most help. Millions of seniors will get comprehensive prescription drug coverage with no gaps in coverage, no premium, and no more than a \$5 copay.

Even now, only 6 months after the Medicare legislation became law, the Bush administration is providing immediate relief from the high cost of drugs through its prescription drug discount program. Millions of seniors are getting \$1,200, just like cash, on top of 10-25 percent off of the cost of their drugs.

Seniors will have expanded access to an array of preventive benefits—including an annual physical examination—that simply were not part of the program before.

Moreover, all Americans will pay less for prescription drugs because we took steps to speed the delivery of lower cost generic drugs to consumers.

We have also given all Americans more affordable coverage through tax-free health savings accounts so they could take more control over their health care needs and hard-earned dollars.

When it comes to education, again, Republican leadership is delivering major reform.

Because of the No Child Left Behind Act, passed by a Republican-led Congress and signed into law by President Bush, millions of disadvantaged children are now getting the focus and attention they need and deserve.

Reading and math scores in America's large urban schools have improved.

Parents of children in struggling schools have powerful new options, and they are using them. If their school is struggling to teach their children the basics, such as math and reading, parent now can send their kids to a better public school or get their children special tutoring.

Under No Child Left Behind, States and local school districts are now being held accountable for ensuring every child learns—regardless of race, parents' income, disability, geography, or English proficiency. As President Bush has said time and again, every child can learn, and every child should be given a fair chance. The No Child Left Behind Act is helping to make sure the promise is becoming a reality.

As a result of the No Child Left Behind Act, the Federal Government today is spending more money on K-12

education than at any other time in the history of the United States. Federal K-12 education funding to states and local schools has increased by a historic \$6.9 billion since the hallmark education reform legislation was signed into law.

Title I aid for disadvantaged students, the cornerstone of the No Child Left Behind Act, has increased by over 40 percent since 2001.

In fact, aid for disadvantaged students received a larger combined increase during the first 2 years of President Bush's administration than it received in the previous 7 years combined under President Clinton.

Our economy is stronger, crime is down, education is improving. Americans have good reason to be optimistic about the future.

And when it comes to environment, we are also seeing major progress. Emissions are down and water quality is improving.

All signs are encouraging.

More, however, can be done, starting with strengthening America's energy independence. President Bush has offered a long-range plan to diversify our energy supply and encourage the use of renewable energy sources.

Senate Democrats, however, are committed to a strategy of obstruction. They come to the Senate floor to lament America's energy problems. Meanwhile, they block the very reforms that would lessen America's dependence on foreign oil supplies.

Likewise, the other side of the aisle bemoans rising health premiums while continuing to block medical malpractice reforms that would lower medical costs.

Which brings me to the larger point.

This year, the other side has been engaged in an unprecedented campaign of obstructionism. Their obstructionism is costing billions of dollars that could be growing the economy and hundreds of thousands of jobs that could be employing America's workers.

The campaign to poor-mouth America's progress may be an election year strategy to immobilize the process, but it is also unfairly discredits the efforts of every American working hard, paying taxes, and leading this country back to economic health. The distorted statistics and misleading charts are meant to sow doubt and confusion. They are meant to make Americans question their own success.

It will not work, and it must not work. We are a strong, robust, and prosperous nation. Optimism is the essence of our success. It drives our creativity and emboldens our entrepreneurial spirit. It is what makes us invest in the future and accomplish our highest aims.

I am confident the American people will look at the gains we are making everyday as a nation and as individuals, and that we will recognize our success, take heart, and keep moving forward. It is the American spirit, and it is the American way.

## HONORING OUR ARMED FORCES

SERGEANT KYLE BRINLEE

Mr. INHOFE. Mr. President, I stand here today in memory of a courageous young American who gave his life for freedom. He gave his life for the people of Iraq, he gave it for his fellow Americans, and he gave it especially for those he loved. SGT Kyle Brinlee at the age of 21 gave up his life for the sake of others, and for his service and his sacrifice, I am proud to honor him on the Senate floor today.

SGT Kyle A. Brinlee of Pryor, OK, was deployed from Fort Sill and served as a masonry and carpentry specialist with the 120th Combat Engineering Battalion in Iraq. When he went to Iraq in February, he left the familiar comfort of Pryor, OK, for the unknown hostility of the Middle East. He left his family, friends, and neighbors, expecting to be home within 6 months or a year at the most. Only 3 months passed before these same people lined the streets of Pryor as his funeral procession passed.

On May 11, near Alasad, Iraq, an explosive device destroyed the vehicle in which Kyle Brinlee was riding. He died while securing the freedom of millions of Americans, while trying to secure a chance of that freedom for the Iraqi people.

Sergeant Brinlee, the first Oklahoma guardsman to give his life in Iraq, was eulogized in May in front of a crowd of 1,300 people at the Pryor High School auditorium. Kyle was remembered as an outstanding soldier, a morale builder who was always willing to be the first to volunteer, and as someone who all will miss. After his death, the National Guard awarded Kyle the Bronze Star and the Purple Heart. He has also earned my admiration and prayers and those of many other Americans. His choice was that of a true hero: He endangered his own life for the sake of something greater, and that courage to act for the good of all will mark his legacy forever.

Sergeant Brinlee stands as a true example of bravery. He knew of the dangers that awaited him. He knew he might never have another opportunity to see his family, but he also knew his mission. He knew that American freedom does not come from the complaints of the many but from the sacrifices of the few. SGT Kyle Brinlee was man enough to be counted amongst those noble few. Kyle Brinlee was a true American hero.

Mr. President, on each trip I take overseas as one of the members of the Senate Armed Services Committee, the message I get back from the troops in the field is always the same: Why is it that people in America do not understand what we are doing? I think the media has done a lousy job, distorting the true reality of the freedoms that are taking place in Iraq, of all the good things that are happening over there.

I hear from these brave young troops. They know what their mission is. They know America is in its most threat-

ened position today. They know they are risking their lives, yet they are willing to do it. Certainly SGT Kyle Brinlee is one of those, a very good, heroic example.

Mr. President, I yield the floor.

## S. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. DODD. Mr. President, this evening the Senate is expected to consider H.R. 2844, the Continuity in Representation Act of 2004. While there are significant problems with this bill, I believe it is in the best interest of ensuring the continuity of government that the Senate pass the bill, as received from the House, without amendment, before we begin this extended recess.

The most troubling problem with this bill is that it may have the unintended consequence of disenfranchising overseas military voters who are serving this Nation in combat. So in taking this action tonight, let me suggest that our work will not be done. I strongly encourage my colleagues in the House to review this legislation in light of these concerns and to consider adopting technical corrections to this bill to address its unintentional consequences.

The bill before the Senate today is, at best, a stopgap measure which attempts to provide a way to reconstitute the House of Representatives in the event that in excess of 100 vacancies occur in its membership. Unlike vacancies in the Senate, which under the Seventeenth Amendment can be immediately filled, the House has no way to reconstitute itself short of holding elections. In essence, H.R. 2488 requires the States to hold expedited special elections to fill vacancies which occur under extraordinary circumstances.

The House-passed bill provides that upon the announcement by the Speaker of the House that more than 100 vacancies exist in the membership of the House, the States affected must hold a special election within 45 days of the announcement, unless there is a regularly scheduled general election scheduled within 75 days of the announcement. This overly optimistic time line all but ensures that overseas military voters and overseas voters will not have their ballots counted in such an election.

In an attempt to address the issue of overseas military voters and other overseas voters, the House adopted language which calls on the States, but does not require them, to issue absentee ballots or voting material to overseas military voters within 15 days of the Speaker's announcement. However, the bill then requires such States to accept and process such ballots for up to 45 days from the date that the State transmitted the ballot to the voter. On its face, those deadlines would require that an election be held no sooner than 60 days after an announcement by a Speaker of the House in order to ensure

that such absentee military ballots are counted.

However, the situation may be much worse. Because the House bill does not require States to transmit ballots to overseas military voters by any specific date, under certain State laws, such voters can receive absentee ballots up to literally the day before the election. In such a case, a State would be required to accept the overseas military ballot up to 45 days after that date, or 90 days after the Speaker's announcement.

The obvious result of these two provisions is to potentially extend the date of the election beyond the required 45 days after the Speaker's announcement—ranging from 46 days to 90 days. And therein lies the problem: are overseas military ballots that are received by the State from 1 to 90 days after the actual election date still counted, or are they ignored unless the election is close?

The unintended consequence of this bill is to tell our brave men and women in uniform, who are literally putting their lives on the line for this Nation in combat overseas, that while they may be able to cast a vote, there is no guarantee that their vote will be counted. That is simply an unacceptable result.

On the other hand, if the result is to hold an election open until all possible overseas ballots are received, then this bill does not provide for expedited elections at all. In fact, the result may be the inability of our Government to function for as long as 90 days after a catastrophe. That would be contrary to the stated purpose of the bill.

And that is why our work is not done. This bill may be a necessary interim measure, but to ensure that there is no lapse in the authority of the House, and the ability of Congress, to exercise its constitutional responsibilities, may require a constitutional amendment providing for an appointment to fill a vacancy. In the meantime, until an amendment to the Constitution can be adopted and ratified providing for the immediate reconstitution of the House, this measure provides some assurance that our representative form of government will continue.

Numerous organizations have called on the House to adopt a constitutional approach, not the least of which is the Continuity of Government Commission, chaired by our distinguished former colleague, Alan Simpson, and the respected Lloyd Cutler. While I respect the concerns of my House colleagues that we preserve the House as an elected body, the Framers did not intend that such a noble principle become the undoing of the people's representative branch of government.

We must find a rational and workable way to ensure that our Government continues to function despite the intent of terrorists and others who would render the people's House silent. But we must do it in a way that ensures